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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,360	05/19/2002	Daltro Garcia Pinatti	33970R002	7847

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EXAMINER

REIFSNYDER, DAVID A

ART UNIT	PAPER NUMBER
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1723

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

AS

Office Action Summary

Application No.

10/018,360

Applicant(s)

PINATTI ET AL.

Examiner

David A Reifsnnyder

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/01;4/02;9/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election of Group I, claims 1-14 (replaced by new claims 26-46) in the reply filed on April 19, 2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Furthermore, the applicant canceled the non-elected claims of Group II, claims 15-25.

Specification

The abstract of the disclosure is objected to because it is too long because it has more than 150 words. Correction is required. See MPEP § 608.01(b).

Drawings

The drawings are objected to because drawing sheet number 4 of 6 includes a FIG 2, while the specification discusses that figure as FIG 2e. It is clear that the mistake is the drawing label and not the specification. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If

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a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 26-46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 26; the recitation of "wherein the apparatus comprises a sealable vessel" is vague and indefinite as to how the claimed "external shell, and an internal shell" is structurally related to the "sealable vessel".

Regarding claim 38; the recitation of "the reactor" lacks antecedent basis.

Regarding claim 41; the recitation of "the mechanism for oscillating rotational movement enables the apparatus to oscillate around its main axis"; is vague and

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indefinite as to what part of the apparatus oscillates around its main axis. Furthermore, it is vague and indefinite as to what axis is the main axis.

Regarding claim 46; the recitation of "The apparatus according to claim 26, further comprising a transport cart in order to permit apparatus transport to where it can be used" is vague and indefinite as to how the transport cart can be part of the apparatus and also transport the apparatus. (i.e. how can the cart transport itself?)

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 26-33, 40, 41, 45 and 46 are rejected under 35 U.S.C. 102(b) as being anticipated by Bernard et al. who discloses a reactor (1) comprising and internal shell/coating (3) and an external shell (2) and a vacuum in the space between the internal shell and external shell. (col. 3, lines 39-40) Furthermore, Bernard et al. discloses a high-frequency electric source (13) which is capable of producing oscillating rotational movement. (col. 3, lines 36-54)

Claims 26-33, 40, 41 and 44-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Dravnieks et al. who discloses a reactor comprising and internal shell/coating and an external shell and a vacuum in the space between the internal shell

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and external shell. (col. 3, lines 44-71) Furthermore, Dravnieks et al. discloses an electric motor (35), attached to shaft (27), the shaft (27) being attached to stirrers (28) which are capable of producing oscillating rotational movement. (col. 3, lines 8-15)

Claims 26-33 and 44-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Kitabatake et al. who discloses a container (1) comprising an internal shell/coating (3) and an external shell (2) and a vacuum in the space (5) between the internal shell and external shell. (col. 5, lines 9-20)

Claims 26-33 and 44-46 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 00/31459 who discloses a container comprising an internal shell/coating (2) and an external shell (3) and a vacuum in the space between the internal shell and external shell. (abstract)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 34-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernard et al.

Regarding claims 34-39; claims 34-39 are all directed toward devices for detecting an monitoring the vacuum between the external shell and the internal coating. Bernard et al. fails to disclose or fairly suggest detecting an monitoring the vacuum between the external shell and the internal coating. It is considered that it would have been obvious to one having ordinary skill in the art at the time of the invention to detect and monitor the vacuum between the external shell and the internal coating of Bernard et al.'s reactor to see if the internal and external walls are cracking.

Claim 34-39, 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dravnieks et al.

Regarding claims 34-39; claims 34-39 are all directed toward devices for detecting an monitoring the vacuum between the external shell and the internal coating.

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Dravnieks et al. fails to disclose or fairly suggest detecting and monitoring the vacuum between the external shell and the internal coating. It is considered that it would have been obvious to one having ordinary skill in the art at the time of the invention to detect and monitor the vacuum between the external shell and the internal coating of Dravnieks et al.'s reactor to see if the internal and external walls are cracking.

Regarding claims 42 and 43: Dravnieks et al. fails to disclose or fairly suggest the helical feeder. It is considered that it would have been obvious to one having ordinary skill in the art at the time of the invention to have used a feeder to feed product into Dravnieks et al.'s reactor. Furthermore, a helical feeder is a conventional type of feeder.

Claim 34-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitabatake et al.

Regarding claims 34-39; claims 34-39 are all directed toward devices for detecting and monitoring the vacuum between the external shell and the internal coating. Kitabatake et al. fails to disclose or fairly suggest detecting and monitoring the vacuum between the external shell and the internal coating. It is considered that it would have been obvious to one having ordinary skill in the art at the time of the invention to detect and monitor the vacuum between the external shell and the internal coating of Kitabatake et al.'s container to see if the internal and external walls are cracking.

Claim 34-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 00/31459

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Regarding claims 34-39; claims 34-39 are all directed toward devices for detecting and monitoring the vacuum between the external shell and the internal coating. WO 00/31459 fails to disclose or fairly suggest detecting and monitoring the vacuum between the external shell and the internal coating. It is considered that it would have been obvious to one having ordinary skill in the art at the time of the invention to detect and monitor the vacuum between the external shell and the internal coating of WO 00/31459's container to see if the internal and external walls are cracking.

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Anderson et al. who discloses a reactor for processing biomass, the reactor having an internal shell (130), an intermediate shell (120) and an external shell (102), wherein there is not a vacuum in the space between the internal shell (130) and the intermediate shell (120), and there is not a vacuum in the space between the intermediate shell (120) and the external shell (102).

Conclusion

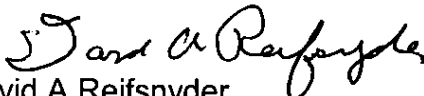
Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A Reifsnyder whose telephone number is (571) 271-1145. The examiner can normally be reached on M-F 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda M Walker can be reached on (571) 272-1151. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David A Reifsnyder
Primary Examiner
Art Unit 1723

DAR